IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14732 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

THEM ISMAILBHAI BABUBHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 14732 of 2003

MR EE SAIYED for Petitioner No. 1

..... for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 15/10/2003

ORAL JUDGEMENT

Rule. Service of rule is waived by learned advocate Shri N.J. Shah appearing for Shri D.N. Patel,

Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The case of the petitioner is that the petitioner has given an application for issuance of passport but the said application is not being entertained by the respondent because of discrepancy in his date of birth. The date of birth as per his school leaving certificate is 1.6.64 whereas the date of birth shown in the birth certificate is 21.8.65.

3. Learned advocate Shri Saiyed appearing for the petitioner has voiced an apprehension that because of the said discrepancy, the petitioner might not be issued a passport.

4. In my opinion, the apprehension expressed by the petitioner is not justified for the reason that the respondent authority would look into the documents, which have been furnished by the petitioner and upon perusal thereof, they are bound to come to a conclusion with regard to the date of birth of the petitioner. The respondent authority shall take an appropriate decision after scrutinizing the documents furnished by the petitioner and after coming to a conclusion as to which document is correct and as to what should be the correct date of birth to be recorded in the passport, which might be issued to the petitioner.

5. In pursuance of notice issued by this court, learned advocate Shri N.J. Shah has appeared for the respondent authority and has submitted that the respondent authority shall look into the matter and after examining the documents submitted by the petitioner, the authority shall take a appropriate decision as regards the correct date of birth to be shown in the passport to be issued to the petitioner.

6. I have heard the learned advocates. Looking to the facts of the case, the respondent is directed to look into the application submitted by the petitioner and the evidence adduced by the petitioner to the respondent in support of his case that his date of birth is 21.8.65. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order thereafter.

The petition is allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

(hn)